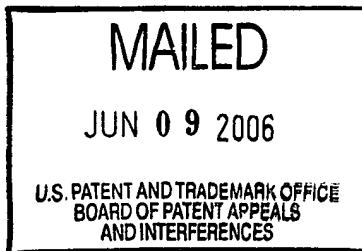


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte PETER J.T. VAN RAVENSTEIN
and
CHRISTIAN C.M. VISSCHERS

Application 09/304,552

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that appellants filed an Appeal Brief on September 22, 2005. In response, an Examiner's Answer was mailed on December 15, 2005.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 3 under the caption "Evidence Relied Upon"], the claim rejections are listed as follows:

1. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotton et al. (US 4,630,110) in view of Herzog et al. (US 4,703,356) [page 3];

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tapp (US 5,657,076) in view of Roger Christopher Quirk (GB 2 203 586 A) [page 4]; and

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tapp (US 5,657,076) in view of Johnson (US 6,175,373) as set forth in the previous Office Action, Paper No. 20, and the discussion follows [page 5].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for submission of a revised Examiner's Answer which corrects the

"Evidence Relied Upon" section; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

DMS:psb

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004